

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

SUPREME CT. CASE NO.: 05-555

INQUIRY CONCERNING
JUDGE JOHN R. SLOOP; JQC
NO.: 04-455

_____ /

THE DEPOSITION OF

JOHN R. SLOOP

REPORTED BY:
JUNE M. BUFFORD, RPR
In the offices of:
ASSOCIATED COURT REPORTERS
Criminal Justice Center
Sanford, Florida
September 23, 2005
At 11:45 a.m.

APPEARANCES:

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1 WHEREUPON:

2 The following proceedings were had:

3 JOHN R. SLOOP

4 having been first duly sworn, was examined and deposed as
5 follows:

6 DIRECT EXAMINATION

7 BY MS. ROSS:

8 Q. Could you state your full name, please.

9 A. John Robert Sloop.

10 Q. And, Judge Sloop, could you give us the benefit
11 of your background and education prior to becoming a
12 judge.

13 A. Thank you. I graduated from University of
14 Maryland with a Bachelor's of Science.

15 Q. When?

16 A. You would ask that. It would be in the 1970s.
17 I'm thinking perhaps 1974.

18 Q. Approximately.

19 A. I'm not certain. I worked for a period of time
20 before I went to Florida State University School of Law
21 and graduated in 1981.

22 Q. What did you do for work for before you went to
23 law school?

24 A. I had various civilian occupations and served,
25 I believe it was five years, perhaps a bit more, with

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1 the United States Government with the office that had
2 started with the name Civil Service Commission, but
3 renamed itself the Office of Personnel Management, while
4 I was still there and I was in the professional series
5 as a personnel staff specialist.

6 Q. So when you said the Civil Service Office --

7 A. Civil Service Commission.

8 Q. Civil Service Commission, did you ever serve in
9 the armed forces?

10 A. No. My brother, after graduating from college,
11 was an officer with the United States Navy, a pilot, and
12 he died as a result of an unfortunate incident in Cecil
13 Field in Jacksonville, changing my draft status to sole
14 surviving son.

15 Q. Did that give you an exemption?

16 A. Yes, ma'am.

17 Q. Okay. Besides working five years for the Civil
18 Service Commission under whatever name it was, what else
19 did you do before you went to law school?

20 A. Well, before working with the Office of
21 Personnel Management, I had worked in civilian
22 employment managing restaurants like Arby's or a
23 Jack-in-the-Box, Lum's --

24 THE COURT REPORTER: I'm sorry?

25 A. L-U-M'S. I also worked in a warehouse for a

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1 company called Dixie Hi-Fi that moved from Maryland to
2 Richmond, Virginia and became Circuit City.

3 Q. If I take it in order, you went to the
4 University of Maryland and graduated with your
5 bachelor's degree of science in the '70s, then you went
6 into the restaurant management business, and working for
7 Dixie Hi-Fi. And then before you went to law school you
8 spent five years working for the Civil Service
9 Commission?

10 A. I don't want to mislead you with the
11 progression. I started college, Erskine College in Due
12 West, South Carolina for two years. I transferred to
13 University of Maryland. Dropped out for approximately
14 two to three years while I was doing some of these
15 restaurant employments until I had come to the
16 realization that if I wanted to improve myself I needed
17 to have a college degree. Returned to University of
18 Maryland, resulting in graduating with my bachelor's of
19 science in political science.

20 Q. So some of these jobs that you've listed are in
21 between the two years of Erskine College and your return
22 to college?

23 A. Yes, ma'am.

24 Q. And there's a two to three year gap between
25 when you left college and when you returned to college

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1 and then you finished?

2 A. Correct. And then after graduating perhaps
3 working with Arby's Restaurants and then securing the
4 position with the Federal Government.

5 Q. Did you leave college due to any type of
6 personal problems, inability to focus --

7 A. Well, yeah. It was a very difficult time. I
8 lost my brother. . .

9 Q. So this was a difficult personal time for
10 you?

11 A. Yes. And I wasn't doing well in school. In
12 order to get the bachelor's of science degree I had to
13 have a foreign language proficiency and try as I might,
14 I just, no habla espanol.

15 Q. Okay. You understand why I'm going into
16 these issues because you've put ADHD in issue as a
17 defense in this case to try and explain some of your
18 actions. So I'm going to go further into your
19 background than I ordinarily might. So I apologize for
20 having to ask personal questions, but it's the nature of
21 the defense.

22 A. That's fine.

23 Q. Besides the personal problems that you were
24 experiencing with your brother, was there anything
25 else -- and your inability to learn a foreign language,

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1 was there anything else that made you drop out of school
2 at that time?

3 A. That's a great question and I'm sure there were
4 many different things.

5 Q. How were you doing in school when you dropped
6 out?

7 MR. LUBET: Grade wise?

8 Q. Grade wise.

9 A. I didn't matriculate out when I left, so my
10 leaving a semester I had failed every course.
11 Fortunately, when I went back they had, among other
12 changes, dropped the foreign language requirement for a
13 bachelor's of science and would forgive any grades from
14 one semester.

15 Q. So you got to repeat the semester without
16 any --

17 A. Without that affecting the grade point average,
18 absolutely. I didn't do real well in high school. I
19 guess it was in December of my senior year that I
20 realized that I always thought I was going to college
21 and if I was really going to get into one I had to have
22 a better showing on my grades, so I started working.
23 Got into Erskine and challenged myself and I did
24 extremely well.

25 University of Maryland I did not maintain that

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1 high degree of academic achievement and I needed to,
2 among other things, dropping out. Returned, I don't
3 remember my graduating grade point average, but it was
4 apparently sufficient coupled with the LSAT to be
5 accepted to the most prestigious law school in
6 Tallahassee.

7 Q. Where did you go to high school?

8 A. It was Walt Whitman Senior High School in
9 Bethesda, Maryland.

10 Q. So if I understand the background, you didn't
11 do well at Walt Whitman Senior High School. You didn't
12 do well at Erskine -- or you did very well at Erskine
13 College. You started at University of Maryland and you
14 had some problems, some due to your brother, some due to
15 other things, and then you returned to University of
16 Maryland and you received your bachelor's of science
17 degree?

18 A. Yes.

19 Q. And then there was a period of time that you
20 worked for the Office of Personnel Management Civil
21 Service approximately a five-year period of time?

22 A. Uh-huh.

23 Q. Now, what was it that made you want to go to
24 law school?

25 A. That's a great question.

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1 Q. Buttering me up ain't going to get anywhere.
2 I'm just teasing you. I am teasing.

3 A. I thought of this before. I can remember, I
4 think it was in sixth grade, having a report card and at
5 the bottom of it basically said what do you want to do
6 when you grow up. And I remember writing lawyer. I
7 don't know if I spelled it right, but I remember writing
8 that. And it seemed like. . . I had kind of always
9 thought I'm going to study law and nothing else pulled
10 me away from that. It wasn't like a firm track resolve,
11 but it was like, yeah, that's where I'm going to end up
12 eventually. And nothing was so dynamic or exciting as
13 to pull me away. I don't have the lineal high school,
14 college, law school. It's a different track for me, but
15 I got there.

16 Q. One of the things that's interesting is that
17 you got a bachelor of science degree as opposed to a
18 bachelor of arts. How did you go from science to law?
19 Was that --

20 A. Well, it was a political science degree.

21 Q. Okay.

22 A. Also they don't require language proficiency.

23 Q. So they called it a bachelor of science, but it
24 was political science?

25 A. Yes, ma'am.

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1 Q. Okay. Now, when was it you graduated law
2 school?

3 A. 1981.

4 Q. And what years did you attend law school?

5 A. I believe I would have started in 1978.

6 Q. Did you attend law school at FSU continuously
7 from the time you began until the time you graduated?

8 A. Yes.

9 Q. How did you do in law school? And I'm talking
10 grade wise.

11 A. I can't clearly remember, but I believe that I
12 am proud to have been the foundation upon which the
13 upper half of the class could stand.

14 Q. So you were not in the top fifty percent of
15 your class?

16 A. I think I might have been, but I'm not sure, so
17 let's err on the caution of --

18 Q. Okay. When you graduated law school in 1981,
19 did you graduate with any type of honors?

20 A. No.

21 Q. Ever make Dean's lists, anything like that?

22 A. I don't believe I did.

23 Q. Join any type of legal organizations at the
24 school?

25 A. I do not remember.

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1 Q. When you graduated in 1981, what was your first
2 job?

3 A. I returned to the Office of the State Attorney
4 for the Twentieth Judicial Circuit where I had done an
5 internship while in law school.

6 Q. And where is the Twentieth Judicial Circuit?

7 A. It's the Lee County. . . I'm sorry. Charlotte
8 County, Lee County and. . . it's a circuit comprising of
9 those counties in the southeast part --

10 MR. LUBET: Naples area?

11 A. Yeah. I'm trying to think. I can't remember
12 what --

13 Q. How long did you work there at the Twentieth
14 Judicial Circuit?

15 A. I believe I began in April.

16 Q. Of 1981?

17 A. Yes, I believe so. And I think I left in the
18 end of that year to relocate to Central Florida.

19 Q. Okay. During the time period that you worked
20 for the State Attorney's Office in the Twentieth
21 Judicial Circuit, were there any complaints about your
22 job performance?

23 A. Not that I'm aware of.

24 Q. Who was it that supervised you?

25 A. It would have been -- well. . . I don't know.

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1 Q. I'm not asking --

2 A. The State Attorney I would imagine.

3 Q. Okay.

4 A. I don't have a clear recollection.

5 Q. You were there approximately eight months or
6 nine months, were you assigned to any particular
7 divisions at the State Attorney's Office?

8 A. Yes. Of course, as a new lawyer I would start
9 in the misdemeanor division. They had an arrangement
10 with Lee County to have Lee County fund one of their
11 positions in exchange for which that attorney would do
12 county ordinance prosecutions, and I was selected for
13 that position.

14 Q. Okay. Did you report to the County Attorney in
15 Lee County as well as the assistant state attorney?

16 A. No.

17 Q. So it was strictly the State Attorney for the
18 Twentieth Judicial Circuit?

19 A. Yes. I think it was just a funding situation.
20 So not only did I do the county ordinance and city
21 ordinance matters, I carried a misdemeanor criminal case
22 load.

23 MR. LUBET: Let me add one thing.

24 MS. ROSS: Sure.

25 MR. LUBET: I'm certain, and correct me if I'm

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1 wrong, judge, but I'm certain that he had a
2 supervisor below the State Attorney.

3 MS. ROSS: I'm absolutely as certain as you
4 were. I was just looking for general terms.

5 MR. LUBET: I don't want you to think he
6 reported directly to the State Attorney.

7 MS. ROSS: No. I've got some general idea of
8 how state attorney's offices work.

9 JUDGE SLOOP: I just can't tell you who.

10 MR. LUBET: Right.

11 BY MS. ROSS:

12 Q. Okay. When you left the State Attorney's
13 Office at the Twentieth Judicial Circuit, was it
14 voluntary?

15 A. Yes.

16 Q. And where did you go next?

17 A. Employment?

18 Q. Employment.

19 A. With the State Attorney's Office of the Ninth
20 Judicial Circuit serving Seminole and. . .

21 MR. LUBET: Osceola.

22 A. Osceola County here in Central Florida.

23 Q. For how long a period of time did you work as
24 an Assistant State Attorney for the Ninth Judicial
25 Circuit?

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1 A. I believe I stayed with them until late in the
2 summer of 1984.

3 Q. When you began with the State Attorney's Office
4 in the Ninth Judicial Circuit, what division did you
5 start out at?

6 A. I started in the misdemeanor division, in the
7 trial division.

8 Q. And when you left the State Attorney's Office
9 at the Ninth Judicial Circuit, what was the division
10 that you were with them?

11 A. The felony trial division, division C, I
12 believe.

13 Q. So it was the ordinary course of moving up
14 from misdemeanors to felonies in the State Attorney's
15 Office?

16 A. Yes.

17 Q. You were in that position for approximately
18 three years?

19 A. I believe so.

20 Q. During that period of time, were there any
21 complaints about your job performance?

22 A. Not that I'm aware of.

23 Q. During the time period, the four years that you
24 worked for the State Attorney's Office that we've gone
25 through so far, were there annual reviews of any kind by

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1 the State Attorneys?

2 A. Not that I'm aware of.

3 Q. Year end reviews by supervisors, anything like
4 that?

5 A. I'm sorry.

6 MR. LUBET: For the record, my experience has
7 been they don't do that.

8 MS. ROSS: They don't do it. Some do, some
9 don't.

10 MR. LUBET: This office is not one that does
11 normally.

12 BY MS. ROSS:

13 Q. Okay. When you left the State Attorney's
14 Office for the Ninth Judicial Circuit in approximately
15 1984, what did you do next?

16 A. I started private practice on my own joined by
17 the end of the year by my wife.

18 Q. So your wife is a lawyer?

19 A. Yes.

20 Q. What type of practice did you do in private
21 practice?

22 A. It began as threshold law.

23 Q. I'm sorry?

24 A. That's my expression.

25 Q. Threshold. People will walk in the door?

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1 A. They walk through it, I do it.

2 MR. LUBET: Rent law.

3 THE COURT REPORTER: I'm sorry?

4 MR. LUBET: Rent law. You don't need that on
5 the record. I've got to quit making comments. I'm
6 sorry. I apologize.

7 MS. ROSS: Threshold law is anybody who walks
8 in the door.

9 MR. LUBET: Rent law is any case that will help
10 pay the rent.

11 BY MS. ROSS:

12 Q. Okay. And was this a two-person law firm, you
13 and your wife?

14 A. Well, let me finish your question. And then it
15 evolved into a civil practice of real estate closings,
16 my wife doing the majority of those, along with what we
17 call an office practice of wills and trusts, state,
18 probate, where I did the civil litigation, corporate
19 law, business law, those types of things. There was a
20 brief period where I had been appointed conflict
21 attorney by some of the judges I had appeared before as
22 a prosecutor.

23 Q. That was one of my questions. As the natural
24 course of things from state attorney is to go into
25 criminal defense and do at least some criminal defense

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1 at least by appointment. You appeared to have gone to a
2 strictly civil practice?

3 A. I was not interested in criminal defense.

4 Q. Why is that?

5 A. Well, the logic says. . . it just didn't make
6 sense to me to try to keep out of jail the very same
7 people I had been trying to put in.

8 Q. For how long a period of time were you with
9 the -- strike that. For how long a period of time did
10 you conduct your own private practice?

11 A. We practiced together until I was vested in
12 January of 1990.

13 Q. So approximately six years?

14 A. Yes.

15 Q. During the entire six years you were in private
16 practice, did you do any criminal defense other than
17 maybe a couple of cases where you were specially
18 pointed?

19 A. No.

20 Q. So basically your exposure to criminal law was
21 all from the prosecution end?

22 A. With the --

23 Q. With that very limited --

24 A. With the very few, yes.

25 Q. When you were, when you became a county court

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1 judge, were you elected or appointed?

2 A. Elected.

3 Q. Did you run for office?

4 A. Yes.

5 Q. Was it a hotly contested election, was it an
6 open seat?

7 A. It was an open seat. Judge Dickey had resigned
8 to take a newly created circuit court position leaving a
9 vacancy that five of us sought.

10 Q. And did it go to a runoff?

11 A. Yes.

12 Q. And who were the finalists in the runoff?

13 A. Well, certainly myself and an attorney by the
14 name of Ken Bevan, B-E-V-A-N.

15 Q. Was there any animosity during the campaign?

16 A. If there was, I wasn't aware of it.

17 Q. Sometimes these heated elections particularly
18 nowadays get out of control.

19 A. There is --

20 Q. So were there any problems which arose during
21 the course of the campaign?

22 A. No. No. Although it's a natural tendency to
23 demonize your opponent, if for no other reason than
24 the work that they're requiring you to do, it did not
25 occur.

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1 Q. Okay. So it was a very civil campaign?

2 A. Oh, absolutely.

3 Q. And who were the other three people who ran for
4 the seat, if you remember?

5 A. Richard Taylor, whom I remember at one point I
6 helped put some of his flyers on windshields for him
7 because he realized he couldn't do it himself.

8 Michael Kramer and Chris Ray.

9 Q. I'm sorry?

10 A. Chris Ray. Kramer with a K.

11 Q. From 1990 to the present, you've been sitting
12 as a county court judge?

13 A. Yes.

14 Q. Have you ever applied for a circuit court
15 seat?

16 A. No.

17 Q. So you've been happy working in the county
18 court?

19 A. Absolutely.

20 Q. Okay. During the time period that you were
21 in private practice, did you ever receive complaints
22 from either lawyers or judges about your job
23 performance?

24 A. I believe I did.

25 Q. And what is it that you recall about that?

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1 A. I don't recall much of anything, but I believe
2 it happened. I'm saying that because I had just
3 recently had a case where an attorney had asked me to
4 recuse myself because of an interaction that he and I
5 had when I was in private practice.

6 Q. Fourteen years ago?

7 A. Yeah.

8 Q. Do you recall any complaints by clients in
9 terms of inattention to details, mistakes, anything like
10 that during your six years of private practice?

11 A. Not that I recall.

12 Q. And with regard to any complaints you may have
13 had with lawyers or judges, is there anything that you
14 can recollect at all? Any judge ever criticize your
15 performance?

16 A. Not that I can recall, no.

17 Q. Any Florida Bar complaints filed against you
18 during this time period?

19 A. I believe there were.

20 Q. Did any of those go to the probable cause
21 stage?

22 A. No.

23 Q. So they were all, whatever they were, they were
24 dismissed after?

25 A. Yes.

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1 MS. ROSS: Okay. Go off the record for a
2 second.

3 (Whereupon, a discussion was held off
4 record.)

5 MS. ROSS: Let's go back on the record.

6 BY MS. ROSS:

7 Q. Within approximately one year of you taking the
8 bench, there was an incident that was reported in the
9 newspaper --

10 A. Yes.

11 Q. -- with you displaying a handgun in open
12 court.

13 A. Yes.

14 Q. You recall that incident?

15 A. Clearly.

16 Q. And did the chief judge, who was then Judge
17 Anton, talk to you about it?

18 A. I believe he did, but I remember talking with
19 my mentor Judge Wallace Hall.

20 Q. And you were counselled by those judges about
21 your conduct, correct?

22 A. Absolutely.

23 Q. And subsequent there was another incident,
24 there was another incident in approximately 1992 with
25 regard to a woman who you held in contempt because she

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1 complained that because she had made some allusions to
2 you being stupid. Is any of this refreshing your
3 recollection?

4 A. I remember the incident, I don't remember the
5 words.

6 Q. And there was some comment that was made that
7 you said . . . it was an eviction case and apparently
8 when you released the woman from the contempt, you made
9 some kind of a comment, I like your spirit for a black
10 woman. That was the allegation at the time.

11 A. I understand and that comment was not made. I
12 did admire her spirit, I did not have any racial
13 connotation to that.

14 Q. Okay. And subsequent to that there was another
15 complaint by a litigant about you making comments that
16 you should be . . . that person you were rude and abusive
17 to them in open court and you told the litigant to sit
18 down and shut up.

19 A. Yes.

20 Q. Okay. During the course of those complaints
21 which took place, and let me put it in context. One was
22 in 1991, one was in 1992, and then the next one wasn't
23 until 2002.

24 A. Correct.

25 Q. So there was a big gap of time.

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1 A. Yes.

2 Q. But during that time period, were you ever
3 warned by any members of the JQC about your temper?

4 A. Other than those incidents, no.

5 Q. No. In those incidents?

6 A. I believe I was.

7 Q. Okay.

8 A. I'm not sure it was temper, but I was
9 admonished, yes.

10 Q. That's what I'm saying to you. Even though
11 there may have been no probable cause finding on any of
12 the prior occasions from any complaints that were made
13 against you, were you privately cautioned about your
14 anger and anger management?

15 A. Absolutely. And cautioned is very gentle.

16 Q. And could we go so far as to say warned about
17 your temper?

18 A. We could go to rebuked and it's still
19 appropriate.

20 Q. Okay. So it didn't result in public action,
21 but it was private --

22 A. I was strongly counselled.

23 Q. And during that time period, you at least on
24 one occasion, appeared before the commission and
25 indicated that, and promised that you would never be

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1 there again?

2 A. Yes. I could not imagine anyone going before
3 the JQC wishing to come back.

4 Q. That goes without saying, judge, but you were
5 embarrassed at the time, you were --

6 A. I imagine I said that.

7 Q. And you were privately admonished at the time,
8 and so that brings me to my question. During this span
9 of years, which went from 1991 through 2002, at no time
10 did you seek any type of psychiatric assistance?

11 A. That's correct.

12 Q. And at no time did you associate any of your
13 anger with any problems that you might have either
14 physically or emotionally?

15 A. Never occurred to me.

16 Q. Okay. Did you try and get any kind of help
17 from anger management consultants, psychologists,
18 psychiatrists, anybody?

19 A. No. Didn't think I needed it.

20 Q. And that's even though you were told by either
21 your mentor judges, your chief judges and members of the
22 JQC that you got to watch your temper?

23 A. Hindsight is wonderful. Even though the
24 periodic Bar reviews would give me a very low rating in
25 demeanor, I didn't pick up the hint.

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1 Q. Okay.

2 A. I mean, yes, there is an absolute clear side
3 post that hindsight had turned into neon, but at the
4 time --

5 Q. Okay. When was the first time that you
6 associated your anger problems with any type of a
7 physical or mental disorder?

8 A. I guess I didn't put it in context of anger
9 problems. But I do remember that coming to work on
10 Monday the 6th of December and talking with then Chief
11 Judge Perry, and he was asking me questions about the
12 incident and I told him what had happened. Realizing
13 that when I signed the orders for their release, I was
14 not exposed to any press coverage, didn't get any phone
15 calls and I had no idea of how it actually. . . in my
16 mind when I signed the release those folks were
17 released. So I came out on Monday and that's what I was
18 thinking.

19 And he talked to me about that and he expressed
20 surprise that it would take me over a period of lunch to
21 figure out the proper way to handle that situation.

22 Q. Okay. Well, you're talking December 6th, just
23 so we're clear --

24 A. 2004.

25 Q. -- December 6th, 2004?

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1 A. Yes. This particular incident.

2 Q. Okay.

3 A. And his amazement and his question basically
4 said, why did it take so long. That's something I would
5 have done instantly. It made me wonder why did it take
6 so long.

7 And that is something I discussed with my
8 personal physician because I had immediately scheduled a
9 physical examination. I mean, is there something
10 physically going on. And nothing was found.

11 And I talked to him about something my wife and
12 I had seen on television which was, turned out it was an
13 advertisement, but the screen was jumping from one thing
14 to another and there's all these things going on and I
15 remember my wife said something to the effect of, good
16 grief. I said, things are like that with me all the
17 time. And apparently it was an ad for adult attention
18 deficit disorder.

19 Later she had found something on the internet
20 and said you got to take this. I took it. And I said,
21 well, let me take it for myself, and I did. And then I
22 said no matter who takes it, if I answer the questions
23 they're going to give you the same answer. So she said,
24 well, then let me take it and I said let me take it for
25 you. So I answered the questions as though I were her

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1 and then she answered the questions for herself and then
2 the results were I needed to see someone and she didn't.
3 And this is after the incident, so --

4 Q. That's what I was going to ask you. When
5 was it that you saw this program on TV, this
6 advertisement?

7 A. It was during this time period. I can't tell
8 you the date or give you close approximation. But it's
9 those experiences is why I asked my treating physician
10 about ADHD. And he was knowledgeable, but said, look,
11 let me refer you to a specialist, a psychiatrist for an
12 evaluation to see whether this is something that needs
13 to be addressed. And his appointment wasn't until, I
14 think, the first, first week of January.

15 Q. 2005?

16 A. Yes. This is as early as I could see him. He
17 made the referral appointment for me and the earliest
18 date I got was the first part of February. I think it
19 was the 10th or 11th, where I was able to see Dr.
20 Napolitano.

21 THE COURT REPORTER: Doctor who?

22 MS. ROSS: Napolitano.

23 JUDGE SLOOP: Napolitano.

24 MS. ROSS: N-A --

25 JUDGE SLOOP: N-A-P-O-L-I-T-A-N-O.

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1 BY MS. ROSS:

2 Q. Just so I understand that, by the time you went
3 to your primary care physician you had already seen the
4 ad, taken the test, knew what the symptoms of ADHD were?

5 A. No, I didn't know the symptoms. I knew that
6 it's something I needed to ask about.

7 Q. When you went to your primary physician, you
8 asked him about ADHD?

9 A. Yes, I did.

10 Q. And that was because you associated some of the
11 things that you had seen in the ad with some of the
12 feelings that you had been experiencing?

13 A. And the test questions that said you need to
14 consult with a specialist.

15 Q. And what did your primary care physician tell
16 you about ADHD?

17 A. General knowledge. He said that it is a
18 condition and there are some treatments that you
19 cannot cure, but you can control. And that he was
20 uncomfortable treating that himself and referred me to a
21 specialist.

22 Q. Did he actually make the diagnosis or did he
23 send you to a specialist to make a diagnosis?

24 A. He did not make a diagnosis. He answered my
25 questions and offered a referral that I accepted.

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1 Q. Okay. And who was your primary care physician?

2 A. Dr. John Ryan. R-Y-A-N.

3 Q. Where is Dr. John Ryan's office?

4 A. In Longwood, Florida.

5 MS. ROSS: Let's mark this as the first
6 exhibit.

7 (Whereupon, Exhibit One was marked for
8 identification.)

9 MS. ROSS: Do you have one?

10 MR. LUBET: I don't have the whole thing. I
11 have most of it though.

12 BY MS. ROSS:

13 Q. Well, showing you the initial psychiatric
14 evaluation by Heidi Napolitano, M.D., dated February
15 11th, 2005.

16 A. I have that.

17 Q. Is this a form that you filled out or that she
18 filled out?

19 A. That's hers.

20 Q. And when you gave her the information that's on
21 this form -- excuse me. I assume that the information
22 that was provided to Dr. Napolitano in this form came
23 from you?

24 A. Yes.

25 Q. When you gave her the information was it

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1 accurate?

2 A. Yes.

3 Q. Look under HPI.

4 A. Fifty-six-year-old WM and . . . something. I'm
5 looking at it.

6 Q. It comes in, the part I want to focus on is
7 comes in for evaluation of lifelong ADHD.

8 Did you tell Dr. Napolitano that you were there
9 for evaluation of ADHD which you have been suffering
10 from all of your life?

11 A. No.

12 Q. This is something that the language that she
13 used?

14 A. These are her words.

15 Q. Did you tell her that you think that you were
16 suffering from ADHD during your life?

17 A. She asked me questions.

18 Q. And you responded to them?

19 A. That went into my childhood, yeah, absolutely.
20 In fact, I opined that had they had that treatment that
21 I would have been the poster child for Ritalin because I
22 was bouncing off the walls as a kid. Sure.

23 Q. So at the time you came to her you knew what
24 Ritalin was and you knew that that was used to treat
25 children with this problem?

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1 A. Yeah. Just a laymen's kind of awareness.

2 Q. Okay. And it further says, now has many adult
3 symptoms. See checklist and chart.

4 A. Okay.

5 Q. Did you fill out the chart that's attached or
6 did Dr. Napolitano?

7 MR. LUBET: Are you talking about the
8 checklist?

9 MS. ROSS: Yes.

10 BY MS. ROSS:

11 Q. There's an adult ADHD self-report scale that's
12 attached.

13 A. I did not fill this out.

14 Q. This was also checked by Dr. Napolitano.

15 A. Okay.

16 Q. No. I'm asking. Were all the check marks made
17 by Dr. Napolitano?

18 A. I'll say yes. I did not make any of these
19 marks.

20 Q. How about the handwritten notes on the form?

21 A. I see the notes and --

22 Q. Is that your handwriting?

23 A. No, absolutely not.

24 Q. So these were all her comments?

25 A. I would think so, sure.

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1 Q. Did you tell Dr. Napolitano that you had, that
2 you frequently have problems wrapping up final details
3 of a project?

4 A. Yes.

5 Q. And that you had difficulty sometimes getting
6 things in order --

7 A. Absolutely.

8 Q. -- when you were trying to perform tasks that
9 require organization?

10 A. Yes.

11 Q. And that you often had trouble or avoided or
12 delaying starting a task that required a lot of
13 thought?

14 A. Yes.

15 Q. That you fidgeted or squirmed?

16 A. Uh-huh.

17 Q. And that you felt overly active?

18 A. Oh, yeah.

19 Q. Then under paragraph seven you'll see very
20 often checked for how often do you make careless
21 mistakes when you have to work on a boring and difficult
22 project?

23 A. That's correct.

24 Q. You also indicated you had difficulty keeping
25 your attention very often when you were bored or doing

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1 repetitive work?

2 A. Yes.

3 Q. That you had very frequently had difficulty
4 finding things at home or at work?

5 A. Uh-huh.

6 Q. That you sometimes had difficulty concentrating
7 on what people say to you?

8 A. Yes.

9 Q. And that you found yourself talking too much
10 sometimes in social situations?

11 A. Yes.

12 Q. That you sometimes interrupted others when they
13 were busy?

14 A. Yes.

15 Q. And there's a note, always wants to but has
16 learned to cope.

17 A. Uh-huh.

18 Q. Was that your language that you always wanted
19 to but you'd learned to cope?

20 A. I don't think so.

21 Q. Where else would that information have come
22 from?

23 A. Well, I mean. . . that may be her summary of
24 our discussion. But, yeah, many of these things I've
25 had to develop ways to concentrate on stuff that's

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1 boring or like actually finishing a project, doing all
2 these different things. So, I mean, it takes, it has
3 taken an incredible effort to try to get past some of
4 these things.

5 Q. Well, that's my question, judge. This is dated
6 February 11th, 2005. You'd been on the bench for
7 fifteen years since 1990.

8 A. Uh-huh.

9 Q. During this time period you were frequently
10 making careless mistakes, having trouble concentrating,
11 having difficulty keeping your attention, you were
12 interrupting others. Didn't you recognize during this
13 fifteen-year period that you had these problems and
14 symptoms? Especially given the fact that other people
15 had cautioned you about your anger?

16 A. Yeah. Let me -- this is difficult. I've kind
17 of lived the life . . . almost -- well, I guess one
18 expression people have used is like almost living in a
19 fog where you don't feel quite in sync or connected and
20 you're expending a great deal of energy trying to
21 accomplish things that you have to do.

22 So it's a very, very highly demanding situation
23 and you develop, or I've developed coping skills and
24 methodologies to try to address these things that were
25 happening.

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1 I mean, I've been doing this all my life and
2 apparently I'm now trying to learn. And I've got this
3 really good benefit of a before and after analysis. I
4 can understand things that I had done before these
5 disorders were diagnosed and controlled, as opposed to
6 how I see and approach things now. And some of them are
7 actually incredible.

8 Q. Here's really the bottom line, okay. For a
9 fifteen-year period of time, you didn't seek any kind of
10 treatment at all because you thought you were coping.
11 Do you realize now that you weren't coping and that
12 these things may have come out in your treatment of
13 litigants who came before you?

14 A. That's possible. What I realize is that I had
15 developed methodologies and coping skills and strategies
16 for a living in response to a pair of disorders that I
17 didn't know I had, and was able to do it with a measure
18 of success that was always, it wasn't completely
19 perfect, of course, I've made many mistakes, but I have
20 worked very hard coping with these things that I didn't
21 even know I had.

22 Q. I understand that, but you realize that the
23 essence of judging is judgment?

24 A. Yes, ma'am.

25 Q. And medication can assist you with these

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1 symptoms that you have listed on the chart?

2 A. It could clear away the fog and give me an
3 opportunity to focus on what needs to be done without
4 trying to deal with what were the distractions. Was I
5 able to exercise good judgment with an undiagnosed and
6 untreated disorder? Yes. Because of the ability to
7 develop those coping skills, did I have to develop some
8 rigidities and some schedules and some different kind
9 of things that had, that were causing some problems?
10 Sure.

11 Q. Do you think that you exercised good judgment
12 in not seeking treatment during this entire fifteen-year
13 period? I mean, that's --

14 A. I understand.

15 Q. That's really the bottom line is --

16 A. Absolutely.

17 Q. -- having experienced problems along this way,
18 including problems with your temper and how you treated
19 people --

20 A. Sure.

21 Q. -- don't you think that there is a problem, or
22 that this evidences some problem with your judgment for
23 that fifteen-year period?

24 A. That's an excellent question. And the answer
25 is and I guess what I would call episodic, an incident

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1 happens. Oh, my gosh. This is a horrible thing. And
2 then a light goes on and then another horrible incident
3 happens. Oh, my gosh. And another incident happens.
4 But I didn't make the connection to say, wait a minute.
5 These things are always going on. I would not look for
6 those lights.

7 I remember Mr. Tate saying, why in the heck
8 didn't you go and get this help ten years ago, seven
9 years ago. And my response was, I wish I had done this
10 forty years ago. But I never. . . it had just never
11 occurred to me that there was something that was
12 attributable to my behaviors that I couldn't do. I
13 mean, I couldn't adjust to it.

14 It's like. . . and also it occurred to me that
15 every year we go get a medical checkup, we generally
16 should. Sometimes it's very helpful because they may
17 find an early onset of situations that could be taken
18 care of, but our society is never really, I never
19 thought about the fact that perhaps particularly from
20 folks in the positions that I hold should have a
21 psychological or even a psychiatric checkup, not because
22 you need to but because it's just something you need to
23 kind of check in on and do. Perhaps some police
24 departments have been doing that.

25 But it had just never occurred to me that there

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1 is. . . a disorder apparently and its complications that
2 were fueling my behaviors and my coping mechanisms were
3 doing pretty well, but were overwhelmed.

4 Q. Okay. So you would agree with me that your
5 coping mechanisms were not doing as well as you thought
6 they were?

7 A. Would I be here if they hadn't?

8 Q. I don't think so. But that's not for me to
9 answer.

10 A. I don't think so either.

11 Q. But let's turn now to the handling of your
12 calendar during the week of November 29th, 2004.

13 A. Okay.

14 Q. I believe you've said in your answer that you
15 turned to an entirely different procedure during that
16 entire week?

17 A. Yes, ma'am. I tried a different tactic,
18 different experiment.

19 Q. And did you follow that procedure that entire
20 week?

21 A. Yes.

22 Q. And what was that procedure that was different
23 from your norm the week of November 29th?

24 A. Let's explain the norm. We're dealing with
25 arraignments for people who had been charged with

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1 misdemeanor crimes were to come to court to hear the
2 charges that were being brought against them and to
3 enter a plea.

4 At the time the five county judges were working
5 a five-week rotation schedule and it was my week to do
6 the arraignments. And the way I had always handled
7 arraignments was you begin at nine o'clock and you make
8 your explanation and you call your cases.

9 And inevitably folks would be late. They'd
10 come in and my court deputy would know who is late and
11 make a note and she would have them sit in the front two
12 rows.

13 And when I'm working the docket if I would call
14 the name of someone who'd come in late, she would tell
15 me and I would explain that, look, you were late to
16 court. I'm going to get to your case, but I'm not going
17 to handle it now because it would be disrespectful for
18 folks who had made the effort to be on time to have to
19 wait longer for me to hear a case of someone that came
20 in late.

21 Q. So if they were late they waited?

22 A. Well, my expression was, if you're late, you
23 wait.

24 At the end of the docket of all the folks who
25 showed up on time, we addressed all the folks who got

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1 there late. Generally, I'll ask the first one why were
2 you late and the explanations vary. Then I said, look,
3 okay, that's fine. If nothing else, you'll not be late
4 to court again so you won't have to wait longer than you
5 normally would have had to do and then we treat the case
6 like any other. I had done that fourteen years.

7 Some folks won't show up at all. But then they
8 may call later in the week and say, oh, my gosh. It's
9 Tuesday. I had a Tuesday arraignment. I looked at the
10 thing and it was Monday. And my judicial assistant
11 would say, come in any day this week. Tell the clerk
12 who you are so we can get the file and understand you're
13 going to wait until the end of the docket to be heard.

14 Q. But before they called in, at the end of the
15 docket if they hadn't shown up, would you then, did you
16 then revoke bonds and issue a capias?

17 A. Yes. I would tell the folks, I said, look,
18 here's what I'm going to do. I'm not going to address
19 the folks who aren't here because I want to be able to
20 get to your case as quickly as possible, but I'll do it
21 again. If you want to stay and watch, here's what
22 you'll see. I'll determine they weren't here. If they
23 knew to be here, then we'll estreat and take their bond
24 and we'll issue another bond and what the rules are on
25 that. And that's the end of each docket day, yes, I

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1 would do that.

2 Q. Okay.

3 MR. LUBET: Didn't you call the names twice?

4 JUDGE SLOOP: Yeah.

5 MR. LUBET: In other words, did you call them

6 at the beginning of the docket and then at the end

7 of the docket?

8 BY MS. ROSS:

9 Q. I understand that. But at the end of the day

10 he would wait until the end of the day or the end of

11 that docket --

12 A. Docket.

13 Q. Excuse me. At the end of that docket to

14 estreat the bonds and to --

15 A. To address --

16 Q. -- issue the capias.

17 A. -- the cases of folks that weren't there.

18 Q. I understand why, but that was the normal

19 procedure?

20 A. Absolutely.

21 Q. Okay. On this particular, during this

22 particular week, the procedure you followed was you

23 called the name of the person and you called it maybe

24 once, maybe twice, and if the person didn't show up, you

25 would order the clerk to estreat the bond and issue a

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1 capias immediately?

2 A. Exactly. That started that Monday as a result
3 of a discussion with the clerks and the court deputy
4 before arraignments started. We were talking about the
5 case loads and such and I mentioned something, and they
6 said, well, you have the largest case load and the
7 reason is is that other judges don't wait until the late
8 folks come in and address them. What they do is they
9 call the name, if there's no response, they will
10 immediately order a warrant for their arrest, estreat
11 their bond, set a new bond and then go on.

12 So I said, what happens if the people come in
13 late when we're still there. They just have them
14 arrested. And that was my understanding. I don't know
15 whether that's true.

16 Q. Can we --

17 A. So I said, okay. Let's try this and see what
18 it's like and see whether -- we'll do this for a week
19 and see what the experience tells us.

20 Q. Can we agree that the reason why you went to
21 this new procedure was as a case management device?

22 A. Yes. That and that I am always trying to find
23 ways to better do the job.

24 Q. Okay. Can we also agree that you don't know
25 any other judge who had people immediately arrested if

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1 their names were called and they didn't show up?

2 A. My understanding from that discussion was that
3 that was being followed by county judges with the
4 exception of Judge Eriksson and by one or two of the
5 circuit court judges in the criminal division.

6 Q. Do you know of anybody who ever issued these
7 arrest warrants now, other than hearsay, you were told
8 this by third parties. Do you know that any judge had
9 ever had this happen before?

10 A. The procedure?

11 Q. No. Do you know now that other judges have had
12 other people arrested immediately if they didn't respond
13 to their names being called?

14 MR. LUBET: You mean if they showed up late?

15 MS. ROSS: Yes, if they showed up late.

16 BY MS. ROSS:

17 Q. Do you know of any other judges that did that
18 before?

19 A. I have no firsthand knowledge, but my
20 understanding is that it's still occurring.

21 MS. ROSS: Okay. Let's take a bathroom break.

22 MR. LUBET: Sure.

23 (Whereupon, a brief pause was had.)

24 BY MS. ROSS:

25 Q. What happened on the morning of December

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1 3rd, 2004 in terms of your normal handling of the
2 calendar?

3 A. I handled the calendar on December 3rd, 2004,
4 the way I handled it the entire week.

5 Q. And that was November 29th, November 30th, the
6 1st, the 2nd, the 3rd. This is your fifth day of
7 following this procedure.

8 A. Following what I believed -- I was conforming
9 to what others were doing, yes.

10 Q. Approximately how long that day did it take you
11 to go through your docket in the morning?

12 A. The bulk of the morning. I don't know the
13 times.

14 Q. Approximately?

15 A. We start at nine.

16 Q. You start at nine and approximately when did
17 you leave the bench?

18 A. I don't know. Perhaps eleven-thirty seems to
19 be an average.

20 Q. Okay. Who was in the courtroom that morning in
21 terms of court personnel while you were presiding?

22 A. Positions or people?

23 Q. Both. In terms of the clerks?

24 A. All right. My normal trial clerk, Debbie
25 Christian, was attending the arraignments which is not

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1 an unusual change. There was another clerk with
2 her. . . I apologize for not knowing who she is. I'm
3 familiar with her. My Court Deputy Olly Csisko was
4 present, and I apparently, from what I now understand, I
5 think she was being assisted by another deputy. That's
6 not infrequent.

7 The court reporter of course is the electronic
8 recording. My assistant public defender, Carrie Deprim.
9 I had just recently had assigned to my division two
10 assistant state attorneys. I apologize, their names.
11 And, of course, the litigants.

12 Q. Now, let's talk about what happened after you
13 left the bench that morning, okay. You had followed
14 this new procedure and you had already, when the people
15 didn't show up, you had issued the capias and revoked
16 the bonds?

17 A. Correct.

18 Q. But it wouldn't have mattered if you waited
19 until the end of the calendar because, and followed the
20 old procedure because you would have done the exact same
21 thing.

22 MR. LUBET: Right.

23 JUDGE SLOOP: Right. If they weren't there.

24 MR. LUBET: I'm sorry. I was answering for
25 him. I'm sorry.

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1 JUDGE SLOOP: The old procedure when I get to
2 the empty courtroom we deal with the folks who
3 failed to appear.

4 BY MS. ROSS:

5 Q. And that's my point. Whether you followed the
6 old procedure or new procedure, the end result that day
7 would have been exactly the same, which is before you
8 went off the bench, if there were people who had not
9 shown up, you would have estreated their bonds and you
10 would have issued the capias?

11 A. Correct.

12 Q. Would you actually physically have signed the
13 arrest warrants before you left the room?

14 A. I don't know.

15 Q. You don't ever?

16 A. I don't know.

17 Q. Oh, you don't know. I'm sorry. Okay.

18 A. When I issue the warrant to my mind that's when
19 it's done. The ministerial paperwork is --

20 Q. Well, we're now talking about when you issued
21 the capias, when you directed the clerk to issue the
22 capias, that's when you're considering the arrest having
23 been done?

24 A. Sure.

25 Q. Not when you signed the arrest warrants?

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1 A. Yeah.

2 Q. Okay. And that's the way you normally treat
3 it?

4 A. In my mind that's, yes.

5 Q. Okay. But in this particular instance where
6 did you go when you left the bench that day, December
7 3rd, 2004?

8 A. I understand I went upstairs to my chambers.

9 Q. And when you went upstairs to your chambers,
10 were you there when a phone call came in to the other
11 judges indicating there was a problem in your
12 courtroom?

13 A. I don't know.

14 Q. Do you remember that occurring?

15 A. No.

16 Q. Do you remember any JA saying there's a problem
17 in Judge Sloop's courtroom?

18 A. No.

19 Q. Did Olly Csisko come up to talk to you about a
20 problem in your courtroom?

21 A. I believe she did.

22 Q. And Olly Csisko was your bailiff?

23 A. Yeah.

24 Q. What was it that Deputy Csisko told you about
25 the problem in your courtroom on December 3rd, 2004?

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1 A. It was something to the effect that some folks
2 from that arraignment had come in late or something,
3 something to that effect.

4 Q. Did she indicate to you that they wanted to see
5 you?

6 A. No.

7 Q. She just told you that people came in late?

8 A. I believe so.

9 Q. Did you go down to the courtroom to see what
10 was going on?

11 A. No.

12 Q. Did you ask her any questions such as how many
13 people?

14 A. No. If I asked questions, I don't remember
15 what they would have been.

16 Q. Okay. Did she indicate that it was more than
17 one person?

18 A. I don't know. I don't know.

19 Q. You don't remember anything at all of your
20 conversation with Olly Csisko other than the fact that
21 some folks had come in late?

22 A. Something to that idea. Now, you understand
23 the physical layout of our fourth floor chambers?

24 Q. Already been through that, yes.

25 A. So you appreciate that I was in what they

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1 called the middle suite composing of an empty office,
2 conference room, my office and no one else.

3 Q. Did any of the other judges come see you at
4 that point?

5 A. No.

6 Q. Did you go see any of the other judges at that
7 point and learn about any problem in your courtroom?

8 A. I don't think so.

9 Q. Did you have any interaction with any of the
10 other judges about lunch?

11 A. No, because the arraignment jail week you
12 generally start talking at about nine o'clock on Monday
13 morning and you don't stop until about four-thirty
14 Friday afternoon. It's a very, very busy week. And for
15 me, lunch during the arraignment initial appearance week
16 might be microwave popcorn. It's not a leisurely week.

17 Q. Okay. But after Olly Csisko came to tell you
18 there were folks out in the courtroom, you don't
19 remember any questions you asked her, you don't know the
20 number of people who were present in the courtroom, and
21 you don't know what, if any, problems there were,
22 correct?

23 A. There was just something. I can't tell you
24 clearly what she said and what my response was other
25 than, you know, our docket is done in a sense. Court is

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1 over.

2 Q. Did you tell her to go back down and get more
3 information?

4 A. I don't believe I did.

5 Q. Now, Judge Sloop, you indicated that you
6 sometimes have a popcorn lunch, but you were getting
7 ready to leave the building, were you not?

8 A. Yes, I was going on an errand.

9 Q. So if you had a popcorn lunch, you were still
10 planning on leaving during the lunch hour?

11 A. Yes.

12 Q. And in this particular instance, you came down
13 from your fourth floor office back downstairs?

14 A. Yes.

15 Q. And you were in the hallway when you were
16 approached by a deputy?

17 A. The back hallway, yes.

18 Q. The back hallway. Were you signing arrest
19 warrants in the back hallway?

20 A. I was signing court minutes. . . which could
21 have included the warrants, the arrest warrants, sure.

22 Q. When other than then would you have signed the
23 arrest warrants for the people who were late in the
24 courtroom?

25 A. When my clerk gets them to me.

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1 Q. Okay. So it would have been at some point
2 after court adjourned that morning?

3 A. Yeah.

4 Q. And before you left the building, because
5 people --

6 A. Not necessarily.

7 Q. People were arrested?

8 A. Yeah, I understand.

9 Q. So it had to be in that time frame.

10 A. Okay. Yes, I see what you're saying, yes.

11 Q. You agree with me on that?

12 A. I guess.

13 Q. So if Mr. Hartman, Deputy Hartman indicated
14 that he saw you actually signing the arrest warrants out
15 in the hallway, do you have any basis on which to
16 dispute that?

17 A. I was signing something.

18 Q. Okay. Well, you do not dispute the fact that
19 Deputy Hartman told you that morning before you left to
20 run your errand that those people who were in the
21 courtroom, in your courtroom had been in Judge
22 Eriksson's courtroom all morning?

23 A. He said something to the effect that there were
24 a bunch of people in Judge Eriksson's courtroom that
25 should have been in mine. He did tell me that.

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1 Q. Did the deputy specifically tell you that you
2 shouldn't issue the bench warrants for these people
3 because they'd been in his courtroom?

4 A. I think he may have said that, yeah. He said
5 don't, something to the effect.

6 Q. To refresh your memory, on March 11th -- March
7 18, 2005, you gave testimony before the commission.

8 Let's just make sure that we've got this --

9 A. I did.

10 Q. -- correct. That you went upstairs, I went
11 upstairs for a popcorn which is about all you can get on
12 an arraignment jail week --

13 A. That's correct.

14 Q. -- and I went downstairs to leave the building
15 and run some errands. And there's, you know, an
16 elevator which leads to the outside back of the
17 building, and then it also leads to the particular
18 courtroom. And I was confronted by a deputy who said
19 that some of the defendants had been in another
20 courtroom and that I should not issue bench warrants.

21 A. Yes.

22 Q. You recall that testimony?

23 A. Yeah.

24 Q. Was that Deputy John Hartman?

25 A. I believe it was.

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1 Q. And did you tell him that that was a problem
2 since you had already issued the warrants?

3 A. Yes.

4 Q. Did you make any effort whatsoever to find out
5 the facts after Deputy Hartman confronted you and told
6 you that there was a problem?

7 A. No.

8 Q. Did you tell him to go back into the courtroom
9 and find out how many people had the same problem?

10 A. No.

11 Q. Did you ask him any follow-up questions?

12 A. I don't believe I did.

13 Q. Did you do anything whatsoever to get to the
14 bottom of what had happened that morning?

15 A. Not at that time.

16 Q. What you did do was you left to run errands?

17 A. Correct.

18 Q. And you didn't recall the warrants?

19 A. I did.

20 Q. At that point --

21 A. No, not at that point, no.

22 Q. Just bear with me in terms of time frame.

23 A. You had me running errands and then recalling
24 warrants, so that was the order, but I did not address
25 the situation before I left the building. You're

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1 absolutely correct.

2 Q. Now, you understand that these people were
3 about to lose their liberty because you'd issued bench
4 warrants for them?

5 A. Yes.

6 Q. You didn't ask any questions, you didn't ask
7 anybody to find out what was going on, you didn't even
8 ask to find out the legitimacy of their reasons for
9 being late to court, correct?

10 A. I did not, that's correct.

11 Q. You went on your errand?

12 A. Yes.

13 Q. Now, did you also . . . did you tell
14 Mr. Hartman, thank you for the information. I still
15 want them arrested?

16 A. I very well may have. I don't remember saying
17 that.

18 MR. LUBET: You're not denying it, you just
19 don't remember?

20 Q. You don't remember anything about that?

21 A. No.

22 Q. Did you tell him that it was their
23 responsibility to be in court on time?

24 A. I may have.

25 Q. The errand that you ran, where did you go?

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1 A. At the time I was trying to put some parts
2 together to build or have a friend of mine build a
3 trailer.

4 Q. Build a what?

5 A. A trailer.

6 Q. A trailer?

7 A. To haul a tractor.

8 Q. Okay. How long were you gone on this errand?

9 A. I'd be guessing, forty-five minutes. I try to
10 make it quick because of the need to get back to prepare
11 for the initial appearances.

12 Q. Okay. Now, when you got back for the initial
13 appearances, approximately what time was that?

14 A. It was, I would hope it would be just about at
15 or before one o'clock because I always try to start --
16 initial appearances start at one-thirty and I need to
17 review the files before the initial appearances begin.

18 Q. Now, the initial appearances, this was a whole
19 other set of hearings?

20 A. Yes.

21 Q. And before you started the initial appearance
22 hearings in the afternoon, did judges Herr and Eriksson
23 come to talk to you?

24 A. I believe they came here to the -- we were
25 doing initial appearances by video, and so the files are

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1 actually next door to this room. And I believe they
2 came to see me while I was reviewing those files or just
3 begun to review the files.

4 Q. Okay. And did they, did judges Eriksson and
5 Herr question -- let me take it one at that time.

6 A. Okay.

7 Q. Did Judge Herr indicate to you that those
8 people were in the wrong courtroom in the wrong place
9 and that you really should not issue the warrants?

10 A. They were there to talk to me about that
11 incident. I don't remember exactly the words they were
12 saying because my focus was to prepare for the initial
13 appearance docket and my response was, you know, let me
14 get this done and I'll come up and see you as soon as
15 I'm done.

16 Q. Okay. But you don't deny the fact that two
17 judges came to see you about what had happened that
18 morning?

19 A. No, I don't deny it. They were there for that
20 reason.

21 Q. Okay. And you don't deny the fact that they
22 told you there was a problem because they believed that
23 the people were misdirected and got late, weren't there
24 late, but got bad information?

25 A. I don't recall that we got into that type of a

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1 detail.

2 Q. You don't remember it, but you don't deny it
3 occurred?

4 A. Yeah.

5 Q. Do you recall your own comments being that they
6 might have just walked in off the street. How do we
7 know that they were there?

8 A. I may have said that.

9 Q. Do you recall being skeptical of that eleven
10 people could have lost their way?

11 A. I may have. I don't know. I have come to
12 understand, and I hate to sound evasive. Please, it's
13 not my intention, but what I'm beginning to understand
14 is when you are to have these disorders and one of the
15 coping skills that had helped me for so long was to be
16 able to be very regimented, and when I was there to
17 review the files to be timely prepared for the initial
18 appearance docket, I was not focusing on judges Eriksson
19 and Herr coming to see me and talking to me about we
20 need to talk about some things. Look, let me get this
21 docket done and I'll get back to you.

22 So, please, I'm not trying to evade your
23 questions, but I wasn't . . . clearly focusing on what
24 they were saying.

25 Q. I understand what you're trying, the

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1 information you're trying to convey. Right now we're
2 just trying to get the facts of what occurred.

3 A. I understand. But --

4 Q. Okay.

5 A. -- I'm frustrated because I can't clearly
6 answer in great detail each of the words that you
7 believed were said because I wasn't concentrating on
8 those conversations and what was occurring, so
9 please --

10 Q. Can we agree that having two judges coming to
11 see you specifically about something that happened with
12 the calendar that morning was something out of the norm?

13 A. Absolutely. And I agreed immediately to come
14 see them as soon as I was done with the initial
15 appearance docket.

16 Q. But you were focused on what you were going to
17 do next and you weren't paying attention to what they
18 were telling you right then?

19 A. Correct. Yes. I was there to address the
20 initial appearance docket. When I completed that I was
21 going to address the matter of the arrest of those
22 folks. And I have -- which I thought about while I was
23 on my errands, of course, I had already resolved to get
24 them out.

25 MR. LUBET: Counsel, can may I ask one

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1 question?

2 MS. ROSS: Sure.

3 MR. LUBET: Judge, you're not denying that the
4 statements were made that counsel has directed
5 towards you by any of the parties that she has said
6 made them or statements you may have made; is that
7 correct?

8 JUDGE SLOOP: Yeah.

9 MR. LUBET: You're just saying that you don't
10 have memory of some of those things, but you're not
11 affirmatively saying those weren't made, those
12 statements weren't made?

13 JUDGE SLOOP: That's correct, no.

14 MR. LUBET: You're not disputing the
15 statements?

16 JUDGE SLOOP: I have spent my life not clearly
17 remembering incidents, but certainly not able to
18 contradict what people said this is what occurred
19 and --

20 MR. LUBET: So you're not denying it?

21 JUDGE SLOOP: No. Please.

22 BY MS. ROSS:

23 Q. And I want to take you through this item by
24 item because there were, there was not just one person
25 who had told you what happened that morning, there were

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1 multiple people that told you, and that's what I want to
2 talk to you about --

3 A. I understand.

4 Q. -- first, okay.

5 Do you recall Judge Eriksson questioning the
6 fact that the people were in the wrong courtroom and had
7 done what they were supposed to, and your response was
8 to him, they were due in court. It was their
9 responsibility to get to the right courtroom and they
10 weren't there.

11 A. I won't deny saying that, but --

12 Q. Would you agree with me that it sounds exactly
13 like what you just told Deputy Hartman?

14 A. Yes.

15 Q. It's their responsibility to get to court.
16 They're not in court on time. They're being arrested.

17 A. Correct.

18 Q. Okay. So now you've got a deputy and two
19 judges who have all come to talk to you about what
20 happened this morning and you're not paying attention to
21 them.

22 A. Correct.

23 Q. Instead you're focusing on what you wanted to
24 do next or what you had scheduled to do next?

25 A. Correct.

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1 Q. And that was the first appearances?

2 A. Yes.

3 Q. And you went ahead and you heard first
4 appearances without addressing the issues of the arrests
5 that morning, correct?

6 A. Yes, that's correct.

7 Q. Now, you know that eleven people were deprived
8 of their liberty that morning as a result of the arrest
9 warrants that you issued?

10 A. I know that now, yes.

11 Q. Okay. And for a period of time -- do you know
12 what it means to be arrested?

13 MR. LUBET: Can you --

14 Q. Well, besides being deprived of their liberty,
15 you're aware of the fact that these people were there
16 for misdemeanor criminal court?

17 A. Yes.

18 Q. That they were put in chains?

19 A. I don't know that.

20 Q. Body chains. You don't know that to this day?

21 A. No.

22 Q. That the people had their legs chained, their
23 bodies chained?

24 A. It's horrible.

25 Q. That they were put in holding cells, that they

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1 were taken to jail all as a result of you not focusing
2 your attention when three people told you that you had
3 made a serious mistake that morning.

4 A. I did not properly respond to a situation when
5 it was presented to me and had stayed with the course of
6 action that I had followed that week.

7 During the recess I had thought about what
8 Hartman had said and had resolved to address that and
9 get those folks out. In fact, I figured out what I
10 should have done which was to immediately go into the
11 courtroom and say, folks, for whatever reason you were
12 in the wrong place and we, our session is done for the
13 day. I cannot hear your case, but direct the clerk to
14 recall the warrants for the arrests and to give them
15 another notice of appearance. I figured that out,
16 that's what I should have done.

17 When I had completed initial appearances, I was
18 going to take the steps necessary to secure their
19 release. That's where I was, but I didn't stop and do
20 it and leave my initial appearance responsibilities. I
21 had my regimented schedule that I was following.

22 Q. And that's --

23 A. Of course that's caused incredible, incredible
24 stress to those folks for which . . . apparently my
25 actions alone are egregious and just horrible. But they

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1 were apart of a series of actions that just completely
2 aggravated it beyond civilized behavior.

3 Q. Going back to your actions. Do you realize
4 it's not the original issuance of the capias that's
5 necessarily the problem here. It was the fact that
6 three people came to you, actually four if you count
7 Olly Csisko who simply told you people are late and are
8 in the courtroom, four people came to you, but three of
9 those people told you we have a problem?

10 A. Yes.

11 Q. And you neither went back in the courtroom,
12 checked their stories, revoked the arrest warrants,
13 prevented the arrest warrants from being issued, or took
14 prompt action to make sure that those people didn't go
15 to jail?

16 A. You're absolutely right.

17 Q. And your comments repeatedly were, they had the
18 responsibility to be in court on time.

19 A. Correct.

20 Q. Okay. So that brings me to the \$64,000
21 question. You have said repeatedly when you've
22 sentenced people that you use jail as a tool to modify
23 their behavior.

24 A. Okay.

25 Q. Okay. And to get their attention. You agree

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1 with me?

2 A. Sure.

3 Q. Okay. What behavior were you trying to modify
4 on that morning to send all these people to jail for
5 misdemeanors?

6 MR. LUBET: Let me object to that only to this
7 respect, counsel. He didn't sentence these people
8 to jail, he just had a warrant -- there's a big
9 difference between a sentence and an arrest
10 warrant. And this was just to detain them.
11 Warrants like this, I know you don't do a lot of
12 criminal, but you're familiar with it. Warrants
13 like this are used to detain people because they
14 haven't shown up on time and the courts many, many
15 times don't know if they're, if he let's them go
16 immediately whether they'll show up again or not.
17 And if you could just rephrase the question.

18 MS. ROSS: Absolutely.

19 JUDGE SLOOP: Thanks.

20 BY MS. ROSS:

21 Q. Okay. Were you trying to deter behavior that
22 morning?

23 A. No.

24 Q. What were you trying to accomplish?

25 A. Well, a couple of things. One is I was trying

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1 to follow procedure that I believed the other judges
2 were doing in their handling of folks that weren't
3 showing up at arraignment.

4 Second thing is to. . . you know, if folks
5 aren't there, estreat their bond, issue another bond,
6 they're taken into custody and they post their bond and
7 get another court date and hopefully they'll appear.
8 That's all.

9 Q. At the time that you did this, you didn't even
10 know the number of people that you had arrest warrants
11 issued for, correct?

12 A. That's correct.

13 Q. When was it that you issued a warrant -- issued
14 an order for their release?

15 A. When I completed initial appearances, I got up
16 and went straight to see Judge Herr and it was shortly
17 after two o'clock. Fortunately he had gotten the clerk
18 to prepare orders for their immediate release on their
19 own recognizance and we discussed them. My concern was
20 that they were going to be returned to my docket and I
21 felt that that would be inappropriate. And after
22 discussing that I immediately signed them. I was happy
23 that he had them prepared.

24 Q. And there was some discussion as to who should
25 actually execute the orders, was there not? Because

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1 they weren't Judge Herr's cases.

2 A. There may have been, but they were there and I
3 had already resolved to get those folks gone, so --

4 Q. Okay.

5 A. -- when I saw the orders, I signed them. I
6 didn't know --

7 Q. And you don't know what discussion happened
8 between Judge Herr and Judge Eriksson with regard to
9 Judge Herr going ahead and executing the orders?

10 A. I do now. I didn't then.

11 Q. Okay. And you know that Judge Herr was
12 resolved to have issued those orders by himself if you
13 had not signed them?

14 A. And I would have been grateful.

15 Q. Did you have a conversation with then Chief
16 Judge Perry about the arrests where you told him you
17 didn't understand what the big deal was?

18 A. The following Monday we, he talked to me about
19 the situation, yes.

20 Q. And that's December 6th?

21 A. Yes.

22 Q. And did you make the comment that you didn't
23 know what the big deal was?

24 A. I did make that comment.

25 Q. Okay. So now this is after the arrest warrants

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1 had been issued and the arrest warrants had been revoked
2 and you understood, and you understood that these people
3 had been in jail for a period of time?

4 A. I did not. Counsel, let me explain. The
5 situation happened. I went upstairs. I signed the
6 order for the immediate release of these individuals.
7 It was checked into the clerk's office twenty some
8 minutes after two o'clock in the afternoon. I know that
9 now. And in my mind it was immediately transported to
10 the jail and those folks were immediately released.

11 Please appreciate that I knew nothing else.
12 I spent the weekend helping someone replace their
13 hurricane damaged roof. I did not listen or hear any
14 electronic reports. I don't get the newspaper on the
15 weekends. No one called.

16 When I walked into Judge Perry's chambers on
17 Monday morning, in my mind I had done. . . it had taken
18 me an hour or two to figure out something that as he
19 said he would have known intuitively and was discussing
20 that situation with me.

21 Yeah, I made a mistake. In my mind I had
22 immediately taken steps to rectify that and in that
23 context, not knowing. . . how long these folks were kept
24 at the jail, and the conditions under which they were
25 treated, I made that statement.

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1 Q. Okay. Well, let's back up for a second, okay.

2 A. Sure.

3 Q. Because you issued the order and it was faxed
4 over at two twenty-two, two twenty-three in the
5 afternoon?

6 A. I think it was clocked in by the clerk at that
7 time, faxed over later.

8 Q. Okay. What efforts did you make to ensure that
9 this was taken care of on an expedited basis besides
10 faxing the order over?

11 A. None.

12 Q. You didn't call anybody at the jail?

13 A. No.

14 Q. You didn't call anybody to ensure that these
15 people were immediately released?

16 A. I did not.

17 Q. And you'd been on the bench fourteen years and
18 you didn't know that the jail has its own procedures in
19 terms of release times?

20 A. I did not.

21 Q. So you didn't know there was a chance based on
22 jail procedures that these people were going to sit
23 there for hours?

24 A. Absolutely not.

25 Q. But you didn't do --

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1 A. Had I known I would have --

2 Q. You didn't do anything to make sure that your
3 order was carried out immediately?

4 A. I have never followed behind my orders to see
5 that they're immediately carried out. That is something
6 that I have always believed happens. I have issued
7 orders that were immediately carried out and these
8 things take place. I had no reason to think that
9 wouldn't happen here.

10 Q. But you'd never been faced with a situation
11 before where you've learned that you had issued eleven
12 people, or you had eleven people arrested wrongfully
13 because they were in where they were supposed to be.

14 A. Okay. I can't agree with wrongfully, counsel.

15 Q. You still think --

16 A. I can agree that I followed a procedure where I
17 called their names, they weren't in the courtroom. I
18 issued warrants for their arrest and set new bonds.
19 When I was presented the opportunity to correct that
20 mistake having heard that they were in a different
21 courtroom, I didn't do it. That was a horrible lack of
22 judgment. It took me the hour or two to figure that
23 out. Realized there's a better way to do this and to
24 immediately take steps to rectify that error.

25 Q. Well, judge, are you saying that you still

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1 think that these people were properly arrested when they
2 followed the information on their ticket, the
3 information that was given by deputies to direct them to
4 a different courtroom than yours, are you still saying
5 that the arrest warrants were proper?

6 A. I understand a horrible mistake took place, but
7 I'm not sure that I can agree that when they are
8 directed to Courtroom 1-A, and they are told by a deputy
9 to go to a different place that that deputy's mistake
10 would countermand where they were supposed to be.

11 Q. Judge, have you looked at the tickets to this
12 day?

13 A. Yes.

14 Q. Do you know that some of those tickets directed
15 people to a different courthouse?

16 A. Yes.

17 Q. Not even your courthouse?

18 A. Oh, absolutely.

19 Q. Not even your courtroom?

20 A. I agree.

21 Q. Okay. So how could those people have been
22 directed to Courtroom 1-A?

23 A. Because I also looked at the notice that
24 Maryanne Morse sent to those individuals directing them
25 to Courtroom 1-A.

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1 Q. And do you know if people even received those
2 notices?

3 A. No, of course not. I do not know.

4 Q. Okay. So let's just assume for a second that
5 the people didn't get notices, that they were directed
6 on the tickets to the wrong courthouse to the wrong
7 courtroom and in some instances the tickets were blank
8 as to what courtroom to go to.

9 A. Okay. I guess, counsel, what I'm suggesting is
10 if I knew that those people were next door, or if I knew
11 that those people had been directed next door and
12 nevertheless issued the warrants for their arrests, then
13 that would be a horrible situation.

14 But at the time that we called their names to
15 address their case, without a response, and checked to
16 see if they were there, and looked and saw that what I
17 believe was they knew to be in the right place at the
18 right time, to estreat their bonds and order the bench
19 warrants for their arrest is not inappropriate -- it's
20 not a violation of the law or the rules.

21 Morally, at the time it was done, it was what I
22 was doing as a practice for the entire week. The
23 horribleness of the situation is when I was told, hey,
24 these folks were in a different courtroom and my
25 response was, court's over. They should have known

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1 where they should have supposed to be. The warrants
2 have been issued. This is a real problem, and not take
3 the next step, which is, oh, my gosh. Let's rectify
4 this now. That I agree. And I am absolutely appalled
5 at the way I handled that situation.

6 Q. Okay.

7 MR. LUBET: Ms. Ross, may I interject one
8 thing?

9 MS. ROSS: Sure.

10 MR. LUBET: I don't think my client is, I think
11 the problem is a differentiation in you issued the
12 warrants and actually having them arrested. Do you
13 follow?

14 MS. ROSS: Well, yes and no. I'm trying, I
15 understand he's very remorseful now. We're going to
16 get into that in a second, but what I'm really
17 focusing on right now is now with the benefit of
18 hindsight, I mean, now we're talking about nine
19 months after the events.

20 MR. LUBET: Right.

21 MS. ROSS: Okay. If these people were, in
22 fact, and I just want to understand, is he still
23 arguing that the arrest warrants that were issued
24 were proper or not. With the benefit of hindsight
25 looking at it now, if these people did everything

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1 that they were supposed to do and they were simply
2 in the wrong place at the wrong time, would you
3 agree with me, judge, that the arrest warrants
4 shouldn't have been issued?

5 MR. LUBET: Signed.

6 MS. ROSS: Signed.

7 MR. LUBET: Okay.

8 MS. ROSS: Signed.

9 MR. LUBET: And there we go. And that's what
10 I'm talking about. Because what happened in the
11 courtroom was totally proper. I'm talking about
12 before he left the bench, before he left the bench,
13 and you're not arguing with us about that.

14 MS. ROSS: I'm not arguing with you about that.

15 MR. LUBET: We're talking about from the time
16 you left the bench forward.

17 MS. ROSS: Right.

18 BY MS. ROSS:

19 Q. You said issue the capias, okay. You may very
20 well have gone right ahead and signed all those arrest
21 warrants after you were told that there is a problem.

22 A. In my mind when I ordered that to happen,
23 that's when it occurred.

24 Q. When you say when you ordered to issue the
25 capias?

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1 A. Yes.

2 Q. But you had to actually physically sign arrest
3 warrants?

4 A. I guess so, yes.

5 Q. Okay. Yes. And if you signed the arrest
6 warrants after you were told these people were in the
7 wrong courtroom, that is a problem, you agree with me?

8 A. Yes.

9 Q. Okay.

10 A. That ministerial act.

11 Q. It wasn't ministerial to the people who went to
12 jail.

13 A. I absolutely agree.

14 Q. Okay. Just so we're talking on the same --

15 A. Yeah.

16 Q. -- wavelength.

17 A. Yes. Listen, I'm not making excuses for the
18 horrible situation I put these folks in, okay.

19 Q. So we're really addressing a couple of things.
20 One is you not focusing when people were talking to
21 you?

22 A. Correct.

23 Q. And being inattentive to two judges and two
24 bailiffs who were trying to explain the situation?

25 A. Yes.

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1 Q. You not confronting the situation immediately
2 going down in the courtroom and asking questions about
3 it. And you being so rigid in sticking to your schedule
4 that you didn't consider basic liberty for the people
5 who were being deprived of it?

6 A. You are correct.

7 Q. And all of these things you agree with me these
8 are problems?

9 A. I absolutely agree.

10 Q. Okay. So my \$64,000 question, is what can we
11 do to modify your behavior if you want to remain a
12 judge. And that is the question in addition to --

13 MR. LUBET: Very fair question.

14 Q. I understand you've completed anger management
15 and you've got a certificate for that.

16 A. Yes, I have.

17 Q. I understand you are currently on medication?

18 A. Absolutely.

19 Q. Are you finding that the medication is
20 assisting you?

21 A. It is a Godsend, yes.

22 Q. Okay. But what can we do short of removing
23 you, okay, for not paying attention to these basic
24 issues involving liberty to modify your behavior to
25 be fair to you as well as the public. That's the

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1 question.

2 A. That's a great question. And I absolutely
3 agree we should address it and do that, up to and, if
4 necessary, including removal. I will accept that if
5 that's the decision of the supreme court. I want to
6 make certain that the circumstances that resulted in
7 this horrible situation for those people can never occur
8 again. I'm absolutely committed to that.

9 Q. And you are willing to undertake whatever the
10 commission recommends --

11 A. Absolutely.

12 Q. -- in mitigation of your conduct?

13 A. Oh, my gosh, yes.

14 Q. Okay.

15 A. What I'm doing --

16 MR. LUBET: That would include, tell her things
17 we have talked about.

18 MS. ROSS: That would include --

19 MR. LUBET: -- possible suspension.

20 MS. ROSS: -- possible suspension, fines --

21 MR. LUBET: Public reprimand.

22 MS. ROSS: -- public reprimand.

23 MR. LUBET: Letters of apology.

24 JUDGE SLOOP: Probation?

25 MR. LUBET: They can't do probation.

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1 BY MS. ROSS:

2 Q. We do not do probation. That's not part of the
3 constitutional mandate; however, you are willing to
4 write letters of personal apology to every single one of
5 these people --

6 A. Absolute.

7 Q. -- that have spent time in jail?

8 A. Yes.

9 Q. And accept whatever punishment is meted out?

10 A. Of course. Counsel --

11 Q. Now, turning to -- Judge, sit still a second,
12 okay.

13 In terms of mitigation, besides your emotional
14 problems, which you attribute a lot of this to, okay,
15 what can you say in your own defense in terms of
16 mitigation. Why should the commission stop short of
17 removing you?

18 A. Okay. Thanks. Hopefully there are many
19 reasons. First of all is that there is an absence of
20 malice. What I did resulting in that horrible situation
21 for those individuals was not an intended result. And I
22 guess what will forever bother me is that wondering
23 if. . . well, this incident started a path of inquiry
24 that has led me to discover that I have been suffering
25 from these mental disorders, which is now under control

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1 medically for which Dr. Tressler, from a psychological
2 point of view is helping me to understand perhaps what
3 mechanisms or coping skills I had developed to
4 counteract these undiagnosed and uncontrolled disorders,
5 for which my life has changed and my perspectives have
6 of changed; however, the cost of this was the suffering
7 that those individuals had to go through . . .

8 Q. And this is not a situation where you are
9 remorseful because you were caught?

10 A. No.

11 MR. LUBET: Do you have a Kleenex?

12 JUDGE SLOOP: I just. . .

13 MR. LUBET: Let's take a break.

14 MS. ROSS: Absolutely.

15 (Whereupon, a brief pause was had.)

16 MS. ROSS: You want to read the question back?

17 (Whereupon, the court reporter read back the
18 last question.)

19 JUDGE SLOOP: Absolutely not. I can never
20 properly atone to those people who had to suffer in
21 order for me to understand and address my disorders.
22 I'll benefit, but they have to pay the price and
23 that's not fair.

24 BY MS. ROSS:

25 Q. Okay. Judge, how much more do you have left on

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1 your term of office, your current term of office?

2 A. I will retire January 2011, if I can. If I
3 may. That was a decision that was made when I was
4 not opposed to this last term before this incident
5 occurred.

6 Q. Okay. And this is your last term of office?

7 A. Yes. Absolutely.

8 Q. I noticed that you've provided me with an
9 affidavit from your chief judge, Judge Perry who has
10 given you, your former chief judge, Judge Perry, who has
11 given you a vote of confidence and I understand from the
12 other judges on the bench that they too hold you in high
13 regard.

14 A. Thank you.

15 Q. You've also gotten votes of confidence from
16 lawyers who have appeared in front of you, clerks who
17 have appeared in front of you and bailiffs who were
18 assigned to your courtroom, okay.

19 On the other hand, we have a videotape of you
20 screaming at a woman in open court, Ms. Mercana. Is
21 there anything that you can say about your conduct on
22 that day?

23 A. Yes, there's many things I can say. I've
24 watched that tape and I was as appalled as anyone could
25 be when they saw my behaviors.

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1 Q. Okay. Since that day, now that happened in
2 terms of chronology before this arrest scenario?

3 A. Correct.

4 Q. Okay. Since December of 2004, have you had any
5 more outbursts of anger in the courtroom?

6 A. No.

7 Q. Have you had any other problems or complaints
8 from any persons with regard to your temperament?

9 A. Not that I'm aware of, no.

10 Q. And do you feel like the medication has helped
11 you keep your temper under control?

12 A. Oh, absolutely.

13 Q. Do you think if the commission leaves you on
14 the bench that you will be able to fully devote your
15 time and energy to try and accomplish the ends of
16 justice, as well as simply following the procedures of
17 justice?

18 A. Absolutely.

19 Q. What have you learned from these experiences?

20 A. That's a long list. I have a position of trust
21 in our government and with our citizens that can and
22 should never be taken lightly. And that. . . have,
23 should never lose sight of the fact that the pressures
24 of a case load or of time lines or of expectations or of
25 the process should ever cause me to lose sight of the

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1 lives and individuals who are appearing before me in any
2 capacity. And the far reaching impact that I could have
3 upon them.

4 Q. And do you resolve if you are left on the bench
5 to always keep that in mind in the future?

6 A. Absolutely.

7 Q. And if people come to you with complaints about
8 resurgences of anger or condescension or treatment of
9 people in the courtroom, to address those concerns
10 immediately?

11 A. First I hope they won't have an opportunity to
12 do that. If they do, I would be most grateful if they
13 would bring that to my attention without reticence and
14 absolutely address those.

15 Q. You have provided me with certain materials in
16 mitigation. We'll just mark these.

17 A. Okay.

18 Q. One is the successful completion of your anger
19 management course.

20 A. Here's the packet for the court reporter.

21 Q. Okay. We'll mark the entire package that Judge
22 Sloop has produced to me.

23 But you completed your anger management course
24 September of 2005?

25 A. Yes.

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1 Q. And in addition we have received an affidavit
2 from Judge Perry, who has indicated that he's very
3 encouraged by the steps you've taken and the fact that
4 you've shown deep remorse about what other people had to
5 endure.

6 We also have a letter from Linda Fairfield, the
7 president of the William Howard's Jewelers who was a
8 litigant, apparently her son was a litigant that
9 appeared in front of you.

10 A. Yes.

11 Q. A letter from Samuel Filler, Esquire, an
12 attorney who appeared in front of you. Gary Shader, an
13 attorney who appeared in front of you. A Seminole
14 County Bar Association award to you dated 2004, the
15 Williams-Johnson award. And an award from --

16 A. Central Florida Safety Council.

17 Q. The Central Florida Chapter of National Safety
18 Council as a member of the board of directors for your
19 service January 1991 and December 1996.

20 In addition to these items and certain other
21 materials that were provided to the commission, could
22 you tell us about your public service work in
23 mitigation?

24 A. Okay.

25 MR. LUBET: I want you to talk first about your

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1 work with Habitat For Humanity.

2 JUDGE SLOOP: All right. Habitat For Humanity
3 is an organization that grew out of a retired Pastor
4 Don Nolt who would find things to do, worked in the
5 Meals on Wheels programs. He would go to deliver
6 these meals and he would discover things like a
7 broken step to the porch. He organized folks to go
8 back with materials and rebuild the steps. And then
9 the rotted floor in the bathrooms or the lack of a
10 septic tank and different matters until he finally
11 found a house that no repair could fix.

12 He got a group of people together and
13 listened to a presentation from Habitat For Humanity
14 out of Volusia County that ended with them giving a
15 fifty dollar donation to begin to build a house for
16 a woman here in Seminole County to replace hers.
17 And from that the house was built.

18 I contacted Don after my campaign for
19 judicial office when I had a pickup truck of two by
20 fours we had used for campaign signs for use with
21 Habitat, and basically said we sure would like that
22 lumber and you need to come and put the nails in
23 them. So we worked together doing that.

24 And I eventually had served as the
25 president of that organization. Was on their board

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1 of directors for a number of years until they
2 decided to raise funds to build their own building
3 and each director was assigned a quota to reach. As
4 a judge, my two choices were to donate that quota
5 from my own resources or to resign from the board.
6 I resigned from the board.

7 BY MS. ROSS:

8 Q. And that's because you can't engage in fund
9 raising activities?

10 A. Absolutely. Can't have my name to that in any
11 manner.

12 Q. How long have you been, were you active in
13 Habitat For Humanity?

14 A. It's been a number of years. I have not been
15 recently active in the actual construction. We had to
16 relocate to a house that's a fixer upper, so --

17 Q. I'm just saying this is not a new event. This
18 is something you've been doing for a long period of
19 time?

20 A. Oh, gosh, yes. Since 1990.

21 Q. Okay.

22 A. Meanwhile --

23 MR. LUBET: Let me ask you a question. Did you
24 actually work on building homes?

25 JUDGE SLOOP: Absolutely. Absolutely.

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1 MR. LUBET: Do you have any idea how many homes
2 you've helped build? More than ten? Less than ten?

3 JUDGE SLOOP: It's more than ten.

4 MR. LUBET: And this was an ongoing process of
5 yours through the '90s?

6 JUDGE SLOOP: Oh, yeah.

7 MR. LUBET: Okay.

8 JUDGE SLOOP: This doesn't count the houses
9 that Don would find that didn't need replacement,
10 but perhaps a new roof or a floor in the bathroom.

11 MR. LUBET: Did you put roofs on houses?

12 JUDGE SLOOP: Oh, yeah.

13 MR. LUBET: Got up there and nailed shingles?

14 JUDGE SLOOP: Yes.

15 MR. LUBET: And replaced floors in homes?

16 JUDGE SLOOP: Yes. Just to help these folks
17 that needed it.

18 MR. LUBET: In fact, after the last hurricane,
19 I think, you replaced at least one or more, helped
20 some people replace one or more roofs?

21 JUDGE SLOOP: What help they needed, sure.

22 MS. ROSS: The last hurricane is relative.

23 MR. LUBET: I'm sorry. I think it was Charley.
24 Charley, et al.

25 You replaced some roofs for some people?

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1 In fact, a very elderly man who couldn't get up on
2 his roof and I think you got up and replaced the
3 roof there, did you not, for that elderly
4 gentleman?

5 JUDGE SLOOP: Well, that was the roof we were
6 doing the weekend of December 4th, and he was up
7 there with us, but. . . yeah.

8 BY MS. ROSS:

9 Q. What other activities have you been involved
10 in?

11 A. Boy Scouts of America. Joined, or contacted
12 the organization to see how I can help. I was a Boy
13 Scout.

14 Q. That's how you learned to build homes? I'm
15 teasing.

16 MR. LUBET: Campfires.

17 JUDGE SLOOP: That's where I learned to be
18 prepared. Joined the organization and got involved
19 with a troop and went through the adult leadership
20 training. Served as the district chairman for the
21 council, and stayed active in the adult leadership
22 training aspect of that. Boy Scouts simply asked
23 that you just give back more than you've received
24 and that can never happen. So you can never stop
25 helping.

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1 MR. LUBET: How long were working at the Boy
2 Scouts of America?

3 JUDGE SLOOP: That's been going on along with
4 the Habitat and is still ongoing. What I've
5 discovered is one of the, what I enjoy most is
6 trying to put two good organizations together. So
7 on more than one occasion, we've arranged to have
8 the Boy Scouts come and set up a shelter and cook a
9 lunch at the Habitat site for the folks who are
10 working that day to build the house. So the Boy
11 Scouts can see the Habitat program, and the Habitat
12 workers can see boys who are doing something
13 positive for the community and everyone is energized
14 by that.

15 MR. LUBET: You are also, and I know this for a
16 fact, you are also involved in an organization, the
17 name may throw you, but believe me, the cause is
18 good, with an organization known as the Central
19 Florida Margarita Society, were you not?

20 JUDGE SLOOP: Yes, sir.

21 MR. LUBET: And tell counsel what you, what the
22 organization's purpose was.

23 JUDGE SLOOP: Well, they got a board of
24 directors together who would write large checks to
25 throw a party for folks who would donate toys to be

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1 given to children in the community during the
2 Christmas season.

3 MS. ROSS: How long have you been engaged in
4 those activities?

5 JUDGE SLOOP: I was a check writer for two
6 years, I believe.

7 MR. LUBET: I will tell you he resigned right
8 after this incident occurred, because just with
9 everything going on couldn't afford to continue to
10 be a member of the organization.

11 JUDGE SLOOP: I think it was before the
12 incident.

13 MR. LUBET: But I will tell you also the
14 organization generally raises between thirty-five
15 hundred and four thousand toys for children, for
16 indigent children, children who would not have a
17 Christmas otherwise, and the judge was very active
18 in that organization also.

19 MS. ROSS: Okay.

20 MR. LUBET: What did -- let me ask you this.
21 Did you do any mentoring of young attorneys in your
22 courtroom, public defenders or prosecutors?

23 JUDGE SLOOP: Yes.

24 MR. LUBET: As we all know, I think they don't
25 know the first thing about trying cases when they

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1 get thrown into these courtrooms right out of law
2 school.

3 JUDGE SLOOP: The unspoken responsibility of a
4 county court judge is to help train new lawyers.
5 And it's one of the more pleasurable aspects of the
6 job. Got to stay within the ethical guidelines of
7 appeals and so forth, but to kind of get them
8 started in the right direction and show some support
9 and some appreciation for what they're doing is a
10 really gratifying experience.

11 MR. LUBET: Okay.

12 BY MS. ROSS:

13 Q. Financially, judge, I need to ask these
14 questions in terms of exploring all options such as a
15 fine. Are you dependent on your salary as a county
16 court judge in order to live?

17 A. That is my only source of income.

18 Q. And is your wife a practicing attorney?

19 A. No.

20 Q. What is her job now?

21 A. She is, she is . . . she has probably the
22 hardest job that I could possibly imagine, which
23 is . . . staying with me.

24 Q. What I'm really asking is in terms of other
25 sources of income, you and your wife, are you dependent

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1 on your salary, both of you?

2 A. Correct.

3 Q. In order to live, correct?

4 A. Oh, yes. That's the only source of income.

5 Q. She's working as a housewife now?

6 A. Among other things, she also does community --

7 Q. I understand she may be active in the

8 community. I'm not minimizing to any extent her

9 contribution. I'm just trying to find out from sources

10 of income the two of you live on your salary?

11 A. Oh, yes. Absolutely.

12 MS. ROSS: Okay. I don't have any other

13 questions.

14 CROSS-EXAMINATION

15 BY MR. LUBET:

16 Q. You understand, do you not, that if the

17 commission fines you and there has been talk about not

18 only fines and making you pay the cost of other judges

19 if you're suspended, to pay for that, that that's all

20 going to come out of your salary as a sitting county

21 judge; do you understand that?

22 A. Absolutely.

23 Q. And while it is going to be an extreme

24 financial burden on you because you will have no income,

25 or you will lose a large portion of your income for a

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1 month or so or two months even, you are willing to
2 accept those consequences; is that correct?

3 A. Yes.

4 Q. And you're not going to argue about them?

5 A. No. And I think that . . . I like the idea
6 that if I were to be suspended, that I would be
7 obligated to pay whatever expense it would take to have
8 someone continue the docket in my absence.

9 Q. You believe that's fair?

10 A. Absolutely. I think it's --

11 Q. You also understand if you receive a public
12 reprimand you will accept that as a portion of your
13 sentence, whatever it may be and when I say sentence,
14 your penalty?

15 A. I understand. Of course, yes.

16 Q. And you want to remain on the bench at whatever
17 the cost may be?

18 A. I would like to continue to serve as a county
19 court judge until . . .

20 Q. Until you retire?

21 A. Correct.

22 MS. ROSS: And you believe you are currently
23 fit to serve and that you can fulfill those --

24 JUDGE SLOOP: As long as I am able to control
25 these attention deficit hyperactivity disorders, and

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1 benefit from the counseling I'm receiving as to the
2 long-term effects of the diagnosis, yes. If for
3 some reason there is no way to control my disorders,
4 I wouldn't want to serve.

5 BY MR. LUBET:

6 Q. Do you believe that the medication you're
7 taking is controlling your disorder?

8 A. Oh, absolutely.

9 Q. And I'm assuming your wife would tell us that
10 she's seen a change in you as well?

11 A. Yes.

12 Q. Okay. Judge, I just want to clear up one
13 thing. When you issued the RORs, release on their own
14 recognizance orders for these people, did you anticipate
15 these people getting out of jail before nine or ten
16 hours?

17 A. Absolutely no. The first I ever heard of it
18 was when I called a radio talk show host at their
19 request about the situation and learned from one of the,
20 I guess it was the wife of one of the individuals about
21 his inability to communicate with her, her not knowing
22 where he was, and that his, he wasn't released until
23 nine o'clock that night, I was absolutely appalled.

24 Q. Did you have any idea in the world that these
25 people were going to end up being strip searched by the

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1 county jail?

2 A. Oh, my God, no.

3 Q. Okay. I know counsel has said that she accepts
4 that you truly are remorseful for this. I just want to
5 clear one special thing up here. Is there any doubt in
6 your mind, and do you completely realize what these
7 people went through? Is there any doubt about their
8 suffering to you?

9 A. I don't think I'll completely appreciate what
10 they have done or what they had to endure, but --

11 Q. Because you've never gone through it?

12 A. Yes. And I haven't had. . . correct. And
13 although I will not be able to atone for their
14 suffering, it will not prevent me from trying.

15 Q. Okay. Do you think this experience, and I want
16 you to dig down deep for this, do you think that this
17 experience is going to make you not only a better
18 person, but a better judge? This whole experience?

19 A. Yes. I would absolutely -- yes. Absolutely,
20 yeah.

21 Q. Have you learned from this about --

22 A. I've learned so much from this.

23 Q. Well, let me finish my question.

24 A. So much about myself.

25 Q. A lot of judges, I've been doing this

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1 thirty-one years and in front of hundreds of judges and
2 a lots of judges don't seem to understand what it means
3 to incarcerate somebody and deprive them of their
4 freedom, and I think counsel as seen this time and again
5 from her work. Does this help you better understand
6 what depriving someone of their freedom does to them and
7 that it's to be taken only in those situations that it
8 is absolutely called for?

9 A. I'm embarrassed to tell you that you perhaps
10 accurately described me and I am absolutely of that
11 understanding. Absolutely.

12 Q. Okay. Is there anything else that you would
13 like to say, judge, because as you know, other people
14 are going to be reading this.

15 A. I understand. As with many, I wish I had a
16 time machine to have taken the time to have thought of
17 the consequences of what I had done and the impact upon
18 others so it would have never have happened.

19 Q. And one last thing. Are you intending to
20 continue with your counseling?

21 A. Oh, absolutely.

22 Q. In other words, I don't know if the supreme
23 court has the authority to order you to continue
24 counseling --

25 MS. ROSS: Uh-huh.

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1 MR. LUBET: Oh, they do. Good. Okay.

2 And there probably will be such an order
3 hopefully. If there isn't --

4 MS. ROSS: You can do a stipulation that is
5 submitted to the supreme court where you would agree
6 to continue taking your medication.

7 JUDGE SLOOP: An order or stipulation are
8 unnecessary.

9 BY MR. LUBET:

10 Q. But you will comply with it?

11 A. I am committed to maintaining control of these
12 disorders to understanding how it had impacted my life
13 in the past and to address those issues both with
14 psychiatric supervision and with psychological
15 counseling and continued anger management supervision,
16 regardless of what others may think I would need.

17 Q. Okay.

18 A. This I'm doing for myself.

19 Q. All right. But if you are, if there is a
20 stipulation that requires this and an order from our
21 supreme court it's not going to be a problem for you
22 whatsoever to continue to do these things?

23 A. Of course not.

24 Q. And maintain your medication and so forth?

25 A. Absolutely.

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1 MR. LUBET: I have nothing further.

2 MS. ROSS: I don't have anything further.

3 (Whereupon, the deposition was terminated at

4 2:15 p.m.)

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STATE OF FLORIDA

COUNTY OF SEMINOLE

I, JOHN R. SLOOP, DO HEREBY CERTIFY that I have this day read the foregoing deposition, and do hereby declare that the same is a true and accurate transcript of the proceedings had at the time and place herein designated.

DATED this _____ day of _____, 2005.

Sworn to and subscribed before me
this _____ day of _____,

NOTARY PUBLIC
My Commission Expires:

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1 CERTIFICATE OF OATH

2

3

4 STATE OF FLORIDA
COUNTY OF SEMINOLE

5

6

7 I, the undersigned authority, certify that
JOHN R. SLOOP personally appeared before me and was
8 duly sworn.

9

10 Witness my hand and official seal this 7th day
of October, 2005.

11

12

13

14

15 _____
JUNE M. BUFFORD, RPR
NOTARY PUBLIC - STATE OF FLORIDA
16 My Commission No. CC 802173
Expires: 1-13-2007

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA
4 COUNTY OF SEMINOLE

5

6 I, JUNE M. BUFFORD, Court Reporter, certify that
7 I was authorized to and did stenographically report the
8 deposition of JOHN R. SLOOP; that a review of the
9 transcript was requested; and that the transcript is a true
10 and complete record of my stenographic notes.

11

12 I FURTHER CERTIFY that I am not a relative,
13 employee, attorney, or counsel of any of the parties, nor am
14 I a relative or employee of any of the parties' attorney or
15 counsel connected with the action, nor am I financially
16 interested in the action.

17

18 Dated this the 7th day of October, 2005.

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JUNE M. BUFFORD, RPR

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